

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARIO TRICOCI HAIR SALONS &
DAY SPAS, LLC d/b/a Tricoci Salon and
Spa, an Illinois corporation,

Plaintiff,

v.

CLAUDIA POCCIA and MOLLY SLOAT,

Defendants

Case No. 20-cv-07196

Honorable Judge Matthew F.
Kennelly

Honorable Magistrate Judge
Gabriel A. Fuentes

STATUS REPORT AND REQUEST FOR CLARIFICATION

Ms. Poccia's counsel respectfully states as follows:

1. On June 8, 2021, the Court ordered the production of documents containing search terms "Mario", "Tricoci", or "competitor". (ECF No. 104).

2. That same day, Tricoci's counsel and Ms. Poccia's counsel advised Legility, the third-party vendor holding the documents, to proceed with the production. While Ms. Poccia's counsel informed Legility (with Tricoci's counsel copied) that Fekkai planned to file a motion for protective order, Ms. Poccia's counsel did not instruct Legility to cease with the production.

3. However, at approximately 7:30 PM, Ms. Poccia's counsel learned that Legility had produced documents to Tricoci's counsel that were protected by attorney-client privilege and/or the attorney work product doctrine, which Ms. Poccia's counsel did not understand to be included in the Court's June 8 production order. Ms. Poccia's counsel immediately informed Tricoci's counsel and Legility that it wanted to clawback the privileged documents that should not

have been included. No other instruction was provided to Legility by Ms. Poccia's counsel.

4. Tricoci's counsel reported that they did not review or ceased review of the production until Legility could remove the privileged documents from the production.

5. At 7:20 PM, Fekkai filed a Motion for Protective Order regarding the documents subject to the Court's June 8 production order. (ECF No. 106). The Court set a hearing on Fekkai's Motion for 1:15 PM on June 9, 2021.

6. The Court's June 8, 2021 production order instructed Ms. Poccia's counsel to facilitate the production of the documents referenced in Paragraph 1 by 12 PM on June 9, 2021.

7. Legility is prepared to produce the documents to Tricoci's counsel, with Ms. Poccia's attorney-client privileged and attorney work product documents removed.

8. Fekkai has requested that Legility hold the production until it can be heard at 1:15 PM this afternoon.

9. Ms. Poccia's counsel does not want to disregard a Court order and files this status report and request for clarification to understand whether they should instruct Legility to proceed with the production as ordered on June 8 or wait until the Court further advises following the June 9 hearing on Fekkai's Motion.

Dated: June 9, 2021

Respectfully Submitted,

/s/ Melissa McDonagh

James M. Witz
Colton D. Long
LITTLER MENDELSON, P.C.
321 North Clark Street, Suite 1100
Chicago, IL 60654
(312) 372-5520
jwitz@littler.com
clong@littler.com

Melissa L. McDonagh
LITTLER MENDELSON, P.C.
One International Place

Suite 2700
Boston, MA 02110
(617) 378-6000
mmcdonagh@littler.com
Attorneys for Claudia Poccia

CERTIFICATE OF SERVICE

I, Melissa L. McDonagh, an attorney, hereby certifies that on June 9, 2021, I caused to be filed the foregoing with the Clerk of Court using CM/ECF system, which sent notification of such filing to counsel of record for all parties.

/s/ Melissa L. McDonagh
Melissa L. McDonagh